



General Assembly

February Session, 2008

**Substitute Bill No. 5050**

\* \_\_\_\_\_ HB05050HED \_\_\_\_\_ 030508 \_\_\_\_\_ \*

**AN ACT CONCERNING TECHNICAL REVISIONS TO THE HIGHER  
EDUCATION AND EMPLOYMENT ADVANCEMENT STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 10a-2 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective from passage*):

3       (a) There shall be a Board of Governors of Higher Education to  
4       serve as the central policy-making authority for public higher  
5       education in Connecticut. The board shall consist of eleven members  
6       who shall be distinguished leaders of the community in Connecticut.  
7       The board shall reflect the state's geographic, racial and ethnic  
8       diversity. The members shall not be employed by or be a member of a  
9       board of trustees for any Connecticut higher education institution,  
10      public or private, nor shall they be employed by or be elected officials  
11      of any public agency as defined in subdivision (1) of section 1-200,  
12      during their term of membership on the Board of Governors of Higher  
13      Education. Seven members shall be appointed by the Governor. The  
14      appointment of the other four members on or after October 1, 1991,  
15      shall be made as follows: The president pro tempore of the Senate,  
16      minority leader of the Senate, speaker of the House of Representatives  
17      and minority leader of the House of Representatives shall each appoint  
18      one member.

19 (b) The terms of the present members of the Board of Higher  
20 Education shall expire on February 28, 1983. On or before March 1,  
21 1983, the appointing authorities enumerated in subsection (a) of this  
22 section shall appoint the initial members of the Board of Governors of  
23 Higher Education as follows: Four members appointed by the  
24 Governor shall serve a term of four years from said March first and  
25 three members appointed by the Governor shall serve a term of two  
26 years from said March first. One member appointed by the highest  
27 ranked member of the Senate and one member appointed by the  
28 highest ranked member of the House of Representatives who are not  
29 members of the same political party as the Governor shall serve a term  
30 of two years from said March first. One member appointed by the  
31 highest ranked member of the Senate and one member appointed by  
32 the highest ranked member of the House who are not members of the  
33 same political party as the Governor shall serve a term of four years  
34 from said March first. Thereafter all members shall be appointed for a  
35 term of four years from March first in the year of their appointment.  
36 All appointments shall be made with the advice and consent of the  
37 General Assembly, in the manner provided in section 4-19. Any  
38 vacancy in the Board of Governors of Higher Education shall be filled  
39 in the manner provided in section 4-19.

40 (c) The Governor shall appoint the initial [chairman] chairperson of  
41 the board, who shall serve for a term of two years. Thereafter, the  
42 board shall elect from its membership a [chairman] chairperson who  
43 shall serve for a term to be designated by the board. No [chairman]  
44 chairperson shall serve more than two consecutive terms. The board  
45 shall elect from its members a vice [chairman] chairperson and such  
46 other officers as it deems necessary. Vacancies among any officers shall  
47 be filled within thirty days following the occurrence of such vacancy in  
48 the same manner as the original selection. Said board shall establish  
49 bylaws to govern its procedures and shall appoint such committees  
50 and advisory boards as may be convenient or necessary in the  
51 transaction of its business.

52       Sec. 2. Section 10a-11b of the 2008 supplement to the general statutes  
53       is repealed and the following is substituted in lieu thereof (*Effective*  
54       *from passage*):

55       (a) There is established a Blue Ribbon Commission to develop and  
56       implement a strategic master plan for higher education in Connecticut.

57       (1) The commission shall consist of the following voting members:  
58       (A) Two members appointed by the speaker of the House of  
59       Representatives, who shall have experience as former administrators  
60       or faculty members in independent institutions of higher education in  
61       this state; (B) two members appointed by the president pro tempore of  
62       the Senate, one of whom shall be a former administrator or faculty  
63       member of a regional community-technical college and one of whom  
64       shall be a former administrator or faculty member of The University of  
65       Connecticut; (C) two members appointed by the majority leader of the  
66       House of Representatives, one of whom shall be a former  
67       administrator or faculty member of a state university in the  
68       Connecticut State University system and one of whom shall be a  
69       former administrator or faculty member of Charter Oak State College;  
70       (D) two members appointed by the majority leader of the Senate, one  
71       of whom shall have experience in the field of arts and culture and one  
72       of whom shall have experience in the field of health care; (E) two  
73       members appointed by the minority leader of the House of  
74       Representatives who shall have knowledge and expertise in science  
75       and technology; (F) two members appointed by the minority leader of  
76       the Senate who shall represent state-wide business organizations; and  
77       (G) four members appointed by the Governor, one of whom shall  
78       represent a nonprofit education foundation, one of whom shall have  
79       experience in university research and its commercial application and  
80       one of whom shall have experience in the field of education from  
81       prekindergarten to grade twelve, inclusive. The commission  
82       membership shall reflect the state's geographic, racial and ethnic  
83       diversity.

84       (2) The following persons shall serve as ex-officio nonvoting

85 members on the commission: (A) The Commissioners of Higher  
86 Education, Education [,] and Economic and Community Development,  
87 and the Labor Commissioner, or their designees; (B) the chairpersons  
88 of the boards of trustees and the chief executive officers of each  
89 constituent unit of the state system of higher education, or their  
90 designees; (C) the chairperson of the board and president of the  
91 Connecticut Conference of Independent Colleges, or their designees;  
92 (D) the director of the Office of Workforce Competitiveness, or the  
93 director's designee; (E) the chairpersons and ranking members of the  
94 joint standing committee of the General Assembly having cognizance  
95 of matters relating to higher education and employment advancement;  
96 and (F) the Secretary of the Office of Policy and Management, or the  
97 secretary's designee.

98       (3) The commission shall elect a chairperson at its first meeting. Any  
99 vacancies shall be filled by the appointing authority. The term of each  
100 appointed member of the commission shall be three years from the  
101 date of appointment. The commission members shall serve without  
102 compensation except for necessary expenses incurred in the  
103 performance of their duties. The commission may seek the advice and  
104 participation of any person, organization or state or federal agency it  
105 deems necessary to carry out the provisions of this section. The  
106 commission may, within available appropriations, retain consultants to  
107 assist in carrying out its duties. The commission may receive funds  
108 from any public or private sources to carry out its activities.

109       (b) The commission shall develop a strategic master plan that  
110 promotes the following overall goals for higher education in this state:  
111 (1) Ensure equal access and opportunity to post-secondary education  
112 for all state residents, (2) promote student achievement, including  
113 student performance, retention and graduation, (3) promote economic  
114 competitiveness in the state, (4) improve access to higher education for  
115 minorities and nontraditional students, including, but not limited to,  
116 part-time students, incumbent workers, adult learners, former inmates  
117 and immigrants, and (5) ensure the state's obligation to provide

118 adequate funding for higher education.

119 (c) The commission shall:

120 (1) Examine the impact of demographics and workforce trends on  
121 higher education in the state;

122 (2) Address the challenges related to increasing the number of  
123 young people in the state earning a bachelor's degree, increasing the  
124 number of young people entering the state's workforce and the  
125 disparity in the achievement gap between minority students and the  
126 general student population;

127 (3) Develop and implement a strategic master plan for higher  
128 education that identifies specific short-term and long-term goals for  
129 the state that reflect the unique missions of each constituent unit of the  
130 state system of higher education and each independent institution of  
131 higher education in the state and includes benchmarks for achieving  
132 those goals by 2010, 2015 and 2020;

133 (4) Examine funding policies for higher education including  
134 coordination of appropriation, tuition and financial aid and seek ways  
135 to maximize funding through federal and private grants;

136 (5) Recommend ways in which each constituent unit of the state  
137 system of higher education and independent institution of higher  
138 education in the state can, in a manner consistent with such  
139 institution's mission, expand such institution's role in advancing the  
140 state's economic growth; and

141 (6) Submit a biennium report prepared by the Department of Higher  
142 Education to the Governor and the General Assembly on the progress  
143 made toward achieving the benchmarks established in the strategic  
144 plan.

145 (d) In developing the strategic master plan, the commission shall  
146 review the plans pursuant to sections 10a-6 and 10a-11 and the report

147 titled "New England 2020: A Forecast of Educational Attainment and  
148 its Implications for the Workforce of New England States" prepared by  
149 the Nellie Mae Education Foundation. In addition, the commission  
150 may consider the following: (1) Establishing incentives for institutional  
151 performance and productivity; (2) increasing financial aid incentive  
152 programs, especially in workforce shortage areas and for minority  
153 students; (3) implementing mandatory college preparatory curricula in  
154 high schools and aligning such curricula with curricula in institutions  
155 of higher education; (4) seeking partnerships with the business  
156 community and public institutions of higher education to serve the  
157 needs of workforce retraining that may include bridge programs in  
158 which businesses work directly with higher education institutions to  
159 move students into identified workforce shortage areas; (5)  
160 establishing collaborative partnerships between public high schools  
161 and institutions of higher education; (6) implementing programs in  
162 high school to assist high school students seeking a college track or  
163 alternative pathways for post-secondary [educations] education, such  
164 as vocational and technical opportunities; (7) developing policies to  
165 promote and measure retention and graduation rates of students; (8)  
166 addressing the educational needs of minority students and  
167 nontraditional students, including, but not limited to, part-time  
168 students, incumbent workers, adult learners, former inmates and  
169 immigrants, in order to increase enrollment and retention in  
170 institutions of higher education; and (9) addressing the affordability of  
171 tuition at institutions of higher education and the issue of increased  
172 student indebtedness.

173 (e) Not later than October 1, 2008, the commission shall submit the  
174 strategic master plan, including specific goals and benchmarks for the  
175 years ending 2010, 2015 and 2020, together with any recommendations  
176 for appropriate legislation and funding to the Governor and the joint  
177 standing committees of the General Assembly having cognizance of  
178 matters relating to higher education and employment advancement,  
179 education, commerce, labor and appropriations, in accordance with  
180 section 11-4a.

181 (f) On or before January 1, 2009, and biennially thereafter, until  
182 January 1, 2021, the commission shall submit a report, prepared by the  
183 Department of Higher Education, to the Governor and the joint  
184 standing committees of the General Assembly having cognizance of  
185 matters relating to higher education and employment advancement,  
186 education, commerce, labor and appropriations, in accordance with  
187 section 11-4a, on the implementation of the plan and progress made  
188 toward achieving the goals specified in the plan.

189 (g) The commission shall terminate on January 1, 2021.

190 Sec. 3. Section 10a-44a of the 2008 supplement to the general statutes  
191 is amended and the following is substituted in lieu thereof (*Effective*  
192 *from passage*):

193 Each publisher of college textbooks shall make available to a  
194 prospective purchaser of the publisher's products who is a member of  
195 the faculty of an institution of higher education (1) the price at which  
196 the publisher would make the products available to the store on the  
197 campus of such institution that would offer such products to students,  
198 and (2) the history of revisions for such products, if any. For purposes  
199 of this section, "products" means all versions of a textbook or set of  
200 textbooks, except custom textbooks or special editions of textbooks,  
201 available in the subject area for which a prospective purchaser is  
202 teaching a course, including supplemental items, both when sold  
203 together with, or separately from, a textbook.

204 Sec. 4. Subsection (c) of section 20-37a of the 2008 supplement to the  
205 general statutes is repealed and the following is substituted in lieu  
206 thereof (*Effective from passage*):

207 (c) A college or program of natureopathic medicine approved  
208 pursuant to section 20-37 may include within its curriculum such  
209 didactic and clinical training as is necessary for such college or  
210 program to qualify for accreditation by the Council on Natureopathic  
211 Medical Education, including such training that is outside the scope of

212 the practice of natureopathy, as defined in section 20-34. Students and  
213 licensed faculty members of such college or program may perform all  
214 procedures that are part of the curriculum of such college or program,  
215 provided such procedures are incidental to the course of study at such  
216 college or program and the student conducting such procedures is  
217 under the direct supervision of a faculty member who is licensed to  
218 perform such procedures in this state.

219 Sec. 5. Section 10a-91g of the 2008 supplement to the general statutes  
220 is repealed and the following is substituted in lieu thereof (*Effective*  
221 *from passage*):

222 On January 1, 2014, and January 1, 2019, the system shall, in  
223 accordance with the provisions of section 11-4a, submit to the  
224 Governor and to the General Assembly, a five-year CSUS 2020  
225 performance review report detailing for each project undertaken to  
226 date under the program the progress made and the actual  
227 expenditures compared to original estimated costs. Not later than sixty  
228 calendar days after receipt of said report, the Governor and the  
229 General Assembly shall consider the report and determine whether  
230 there has been insufficient progress in implementation of CSUS 2020 or  
231 whether there [has] have been significant cost increases over original  
232 estimates as a result of actions taken by the system. If so, the Governor  
233 or the General Assembly may make recommendations for appropriate  
234 action to the system and for action by the General Assembly.

235 Sec. 6. Section 10a-203 of the 2008 supplement to the general statutes  
236 is repealed and the following is substituted in lieu thereof (*Effective*  
237 *from passage*):

238 (a) Said corporation shall be governed and all of its corporate  
239 powers exercised by a board of directors which shall consist of fifteen  
240 members, as follows: The chairperson of the Board of Governors of  
241 Higher Education and the Commissioner of Higher Education; seven  
242 public members appointed by the Governor, at least one of whom shall  
243 represent the private colleges, and commencing with the next regular



244 appointments made on and after July 1, 1984, at least one of whom  
245 shall be a financial aid officer at an eligible institution and at least one  
246 of whom shall be a person having a favorable reputation for skill,  
247 knowledge and experience in management of a private company or  
248 lending institution at least as large as the corporation and all of whom  
249 shall be electors of this state; one public member appointed by the  
250 board of directors, who shall have, through education or experience,  
251 an understanding of relevant accounting principles and practices,  
252 financial statements and audit committee functions and knowledge of  
253 internal controls, who shall be an elector of this state; two members  
254 from the House of Representatives, one appointed by the speaker of  
255 the House of Representatives and one appointed by the minority  
256 leader of the House of Representatives; two members from the Senate,  
257 one appointed by the president pro tempore of the Senate and one  
258 appointed by the minority leader of the Senate; and the State Treasurer  
259 or, if so designated by the State Treasurer, the Deputy State Treasurer  
260 appointed pursuant to section 3-12. Those members who are appointed  
261 by the Governor and by the board of directors shall serve for terms of  
262 four years each from July first in the year of their appointment and  
263 until their successors have been appointed. Those members who are  
264 appointed by the speaker of the House of Representatives, the  
265 minority leader of the House of Representatives, the president pro  
266 tempore of the Senate and the minority leader of the Senate shall be  
267 appointed for terms of two years from January fifteenth in the year of  
268 their appointment. The term of each appointed member of the board  
269 shall be coterminous with the term of the appointing authority or until  
270 a successor is chosen, whichever is later. The board of directors shall  
271 elect, from its own members each year, a chairperson and a vice-  
272 chairperson who shall serve for terms of one year and who shall be  
273 eligible for reelection for successive terms. Vacancies shall be filled for  
274 the unexpired term in the same manner as original appointments.  
275 Directors shall receive no compensation for their services but shall be  
276 reimbursed for [their] expenses actually and necessarily incurred by  
277 them in the performance of their duties under this chapter. Any  
278 member may designate in writing to the chairperson of the board of

279 directors a representative to act in the place of such member at a  
280 meeting or meetings, with all rights and obligations at such meeting as  
281 the member represented would have had at the meeting.

282 (b) The board of directors shall provide for the holding of regular  
283 and special meetings. A majority of the directors shall constitute a  
284 quorum for the transaction of any business and, unless a greater  
285 number is required by the bylaws of the corporation, the act of a  
286 majority of the directors present at any meeting shall be deemed the  
287 act of the board. Any appointed member who fails to attend three  
288 consecutive meetings or who fails to attend more than fifty per cent of  
289 all meetings held during any calendar year shall be deemed to have  
290 resigned from office.

291 (c) The board of directors shall adopt bylaws for the corporation and  
292 may appoint such officers and employees as it deems advisable and  
293 may fix their compensation and prescribe their duties.

294 (d) The board of directors may elect an executive committee of not  
295 less than five members who, in intervals between meetings of the  
296 board, may transact such business of the corporation as the board may  
297 from time to time authorize. Unless otherwise provided by the bylaws  
298 of the corporation, a majority of the whole of such committee  
299 attending shall constitute a quorum for the transaction of any business  
300 and the act of a majority of the members of the executive committee  
301 present at any meeting thereof shall be the act of such committee. No  
302 public member of the board shall serve more than three consecutive  
303 full terms which commence on or after July 1, 1984.

304 Sec. 7. Subsection (d) of section 10a-230 of the 2008 supplement to  
305 the general statutes is repealed and the following is substituted in lieu  
306 thereof (*Effective from passage*):

307 (d) Any resolution or resolutions authorizing any revenue bonds or  
308 any issue of revenue bonds may contain provisions, which shall be a  
309 part of the contract with the holders of the revenue bonds to be

310 authorized, as to: (1) Pledging all or any part of the revenues, funds or  
311 other assets of the authority, including, but not limited to, the  
312 authority loans and education loans to secure such bonds or notes; (2)  
313 pledging all or any part of the revenues paid to the authority by any  
314 guarantor or insurance company; (3) pledging any revenue-producing  
315 contract or contracts made by the authority with any individual,  
316 partnership, corporation or association or other body, public or  
317 private, or any federally guaranteed security and moneys received or  
318 receivable therefrom whether such security is acquired by the  
319 authority or a participating institution for higher education to secure  
320 the payment of the revenue bonds or notes or of any particular issue of  
321 revenue bonds or notes, subject to such agreements with bondholders  
322 or noteholders as may then exist; (4) the fees and other amounts to be  
323 charged, and the sums to be raised in each year thereby, and the use,  
324 investment and disposition of such sums; (5) the establishment and  
325 setting aside of reserves or sinking funds, the setting aside of loan  
326 funding deposits, capitalized interest accounts, and cost of issuance  
327 accounts, and the regulation and disposition thereof; (6) limitations on  
328 the use of the education loans; (7) limitations on the purpose to which  
329 the proceeds of the sale of any issue of revenue bonds or notes then or  
330 thereafter to be issued may be applied, including as authorized  
331 purposes, all costs and expenses necessary or incidental to the issuance  
332 of bonds, to the acquisition of or commitment to acquire any federally  
333 guaranteed security and pledging such proceeds to secure the  
334 payment of the revenue bonds, notes or any issue of the revenue bonds  
335 or notes; (8) limitations on the issuance of additional bonds or notes,  
336 the terms upon which additional bonds or notes may be issued and  
337 secured and the terms on which additional bonds or notes rank on a  
338 parity with, or [be] are subordinate or superior to, other bonds or  
339 notes; (9) the refunding of outstanding bonds or notes; (10) the  
340 procedure, if any, by which the terms of any contract with  
341 bondholders or noteholders may be amended or abrogated, the  
342 amount of bonds or notes the holders of which must consent thereto,  
343 and the manner in which such consent may be given; (11) limitations  
344 on the amount of moneys derived from the educational program to be

345 expended for operating, administrative or other expenses of the  
 346 authority; (12) defining the acts or omissions to act which shall  
 347 constitute a default in the duties of the authority to holders of its  
 348 obligations and providing the rights and remedies of such holders in  
 349 the event of default; (13) the duties, obligations and liabilities of any  
 350 trustee or paying agent; (14) providing for guarantees, pledges of  
 351 endowments, letters of credit, property or other security for the benefit  
 352 of the holders of such bonds or notes; and (15) any other matters  
 353 relating to the bonds or notes which the authority deems desirable.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10a-2
Sec. 2	<i>from passage</i>	10a-11b
Sec. 3	<i>from passage</i>	10a-44a
Sec. 4	<i>from passage</i>	20-37a(c)
Sec. 5	<i>from passage</i>	10a-91g
Sec. 6	<i>from passage</i>	10a-203
Sec. 7	<i>from passage</i>	10a-230(d)

**HED**      *Joint Favorable Subst.*